

Remarks

Claims 1, 2, 5, 7-15, 17-25, 27, 28, 30, 32-39, 42-50, 80, 81, 83-89, and 91-95 are pending and at issue in the present application, claims 3, 4, 6, 16, 26, 29, 40, 41, 82, and 90 have been previously cancelled, claim 31 has been cancelled by this amendment, and claims 51-79 and 96-100 have been withdrawn from further consideration by the examiner. The examiner is requested to hold the non-elected claims in abeyance pending the filing of one or more divisional applications.

Applicants have cancelled claim 31 in light of the examiner's objection to claim 31 as being of improper dependent form.

Applicants traverse the rejection of claims 1, 2, 5, 7-15, 17-25, 27, 28, 30, 32-39, 42-50, 80, 81, 83-89 and 91-95 as failing to comply with the written description requirement.

Applicants contend that all claims presently at issue are fully supported under 35 U.S.C. 112. The present rejection is based on a purported lack of support for the phrase "wherein substantially no portion of the film layer adjacent the holes . . . extends into the liquid absorbent portion," found in independent claims 1, 14, 25, 39, 80 and 88. In fact, support for this language is found in the drawings as filed, particularly FIG. 3, which shows that the various layers 16, 18, and 20 are discrete and do not have any portions that extend into an adjacent layer.

In addition to the foregoing, applicant's specification states that the "various layers 16, 18 and 20 are secured or formed together in any suitable fashion taking the various materials of the layers into account." (See page 6, lines 29 and 30.) The specification elaborates on numerous securing and forming methods for the various layers including, but not limited to, fusing, laminating, or adhering processes. In one embodiment, an extrusion die deposits thin streams of molten thermoplastic onto the absorbent layer (layer 18), wherein a roller is then used to press the permeable layer (layer 16) onto the absorbent layer. It is understood by one skilled in the art that these securing processes do not cause portions of layer 16 near the holes to enter layer 18. It is apparent from the multitude of securing and forming methods disclosed that such methods could not result in portions of layer 16 adjacent the holes extending into layer 18.

In an example noted at page 10, lines 33 and 34, film of a top layer is perforated by a laser. Such a film would not have portions adjacent the resulting holes that extend out of the plane of the film.

Applicants further traverse the rejections of claims 39, 88, 89, and 91-95 as indefinite. Claim 39 has been amended to replace the term “the second material” with the term “the second means.” Claim 88 has been amended to omit the term “the thermoplastic material” and to substitute the term “the continuous film” therefor.

Applicants traverse the rejections of claims 1, 2, 5, 7-15, 17-25, 27, 28, 30, 32-39, 42-50, 80, 81, 83-89 and 91-95 as being anticipated by Endres or Morris.

Claim 1, and claims 2, 5 and 7-13 dependent thereon, specify a single use processing substrate comprising a continuous liquid permeable thermoplastic film layer having holes disposed therein. The thermoplastic film layer is of a thickness within the range of about 2 to about 5 mils. The substrate further includes a liquid impervious barrier disposed opposite the film layer and a liquid absorbent portion disposed adjacent the film layer, wherein substantially no portion of the film adjacent the holes extends into the liquid absorbent portion.

Claim 14, and claims 15 and 17-24 dependent thereon, recite a single use processing substrate comprising a top surface having a continuous thermoplastic film having holes disposed therein. The thermoplastic film has a thickness of at least about 5 mils. The substrate further includes a liquid absorbent portion disposed adjacent the top surface, wherein substantially no portion of the top surface adjacent the holes of the thermoplastic film extends into the liquid absorbent portion, and a liquid impervious barrier surface is disposed opposite the top surface.

Claim 25, and claims 27, 28, 30, and 32-38 dependent thereon, specify a disposable processing substrate comprising a first material of thermoplastic resin having a continuous liquid-permeable surface with a plurality of holes disposed therein. The first material has a thickness of at least about 5 mils. The substrate further includes a second material disposed adjacent the first material and having a liquid-absorbent portion, wherein substantially no portion of the material adjacent the holes of the first material extends into the second material, and a third material is disposed adjacent the second material having a liquid-impermeable portion.

Claim 39, and claims 42-50 dependent thereon, recite a single-use processing substrate comprising first means for providing a continuous liquid-permeable surface comprising a layer of thermoplastic resin having holes disposed therein. The first means has a thickness of at least about 5 mils. The substrate further includes second means disposed adjacent the first means and having a liquid-absorbent portion, wherein substantially no portion of the first means adjacent the holes of the thermoplastic material extends into the second means. Still further, the substrate includes third means disposed adjacent the second means, wherein the third means provides a liquid-impermeable portion.

Claim 80, and claims 81 and 83-87 dependent thereon, specify a processing substrate comprising a first material of thermoplastic resin having a liquid-permeable surface comprising a sheet of continuous film having holes disposed therein. The first material has a thickness of at least about 5 mils. The substrate further includes a second material disposed adjacent the first material and having a liquid-absorbent portion, wherein substantially no portion of the material adjacent the holes of the thermoplastic material extends into the second material, and a third material disposed adjacent the second material having a liquid-impermeable surface.

Claim 88, and claims 89 and 91-95 dependent thereon, recite a cutting surface comprising a first layer having a liquid-permeable surface comprising a continuous film having holes disposed therein. The first layer has a thickness of at least about 5 mils. The surface further includes a second layer disposed adjacent the first layer and having a liquid-absorbent portion, wherein substantially no portion of the material adjacent the holes of the continuous film extends into the second material. Still further, the surface includes a third layer disposed adjacent the second layer having a liquid-impermeable surface.

As should be evident from the foregoing, claims 14, 25, 39, 80, and 88 at issue recite a thickness for the top permeable layer of at least about 5 mils. Support for a thickness of at least about 5 mils may be found on page 11, line 14, of applicant's specification. Claim 1 at issue recites a range of about 2 to about 5 mils for the thickness of the top permeable layer. Applicant's specification discloses that the permeable layer (layer 16) may be omitted as a separate layer and included within the impermeable layer (layer 20). (See page 9, lines 17-19

and page 6, lines 17-23.) Further, applicant states that the impermeable layer (layer 20) has “a thickness on the order of 0.25 – 5.0 mils, although a different thickness could be used instead.” (See page 12, lines 12 and 13.) Therefore, the range of about 2 to about 5 mils for the permeable layer (layer 16) is supported by the specification since both the permeable and impermeable layers may be included in the bottom layer 20 that has a thickness of 0.25 – 5.0 mils. Neither Endres nor Morris discloses or suggests a top permeable layer in the claimed ranges.

In fact, Endres discloses a structure for a non-adherent surgical dressing. Figure 4 represents one embodiment that is comprised of a “top fluid permeable cover 13, a layer 15 underlying the cover and comprising a batt of heterogeneously arranged absorbent fibers, and a second layer 16 comprising multiple sheets of absorbent cellulose wadding. The entire structure is underlaid by a moisture proof layer 20[.]” (See column 3, lines 67-75.) Endres further teaches a preferred polypropylene permeable cover thickness of 0.4 mils. (See column , lines 1-4.)

Morris discloses an apertured film facing that may be used in absorbent articles such as disposable diapers, sanitary napkins, and surgical dressings. One embodiment disclosed is comprised of a “liquid impermeable backsheet 14 [overlying] the first opposed face of the absorbent core and a liquid permeable top sheet 15 [overlying] the second opposed face of the absorbent core. The liquid permeable top sheet comprises a hydrophobic film having a multiplicity of apertures 16 therein[.]” (See column 5, lines 4-9.) Morris further teaches a preferred top sheet thickness of 0.5 to 1.5 mils. (See column 3, lines 29-32.)

Because the prior art does not disclose or suggest each of the elements recited by the claims at issue, it follows that such claims are not anticipated thereby.

Further, because none of the prior art discloses or suggests that it would be desirable or even possible to provide a structure including a continuous film layer, surface, or material having a thickness of about 5 mils, or about 2 to about 5 mils, that has holes therein and a liquid absorbent portion wherein substantially no portion of the film layer, surface, or material extends into a liquid absorbent portion or a material having the liquid absorbent portion as specified by the claims at issue, it is evident that the claims, as amended, are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in

Appl. No. 09/677,663
Amdt. dated January 27, 2004
Reply to O.A. of October 27, 2003

PATENT
Docket No. J-2961

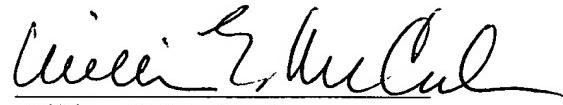
order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985).

The claims have been amended to further define the subject matter for which protection is sought and not to narrow the claimed subject matter. The amended claims do not present new matter.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

McCracken & Frank LLP

By: 
William E. McCracken
Reg. No: 30,195

Date: January 27, 2004

200 W. Adams
Suite 2150
Chicago, IL 60606
Telephone: (312) 263-4700
Facsimile: (312) 263-3990
Customer No. 29471